

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

DUBLIN DIVISION

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

2015 JAN -9 AM 10:47

CLERK C. Aelans
SD. DIST. OF GA.

JIMMIE LEE GREEN, JR.,

Plaintiff,

v.

CV 314-150

BRAD HOOKS, Warden, Johnson State
Prison, et al.,

Defendants.

ORDER

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed (doc. no. 11). The Magistrate Judge recommended dismissing Plaintiff's complaint because Plaintiff failed to exhaust all available steps in the grievance process prior to filing his complaint. (See doc. no. 8.) Plaintiff's objections and attached exhibits simply reinforce the conclusion in the Report and Recommendation that Plaintiff filed his complaint before allowing prison officials to address his grievances within the time allotted under the applicable Georgia Department of Corrections' Standard Operating Procedure. Indeed, Exhibits A and B to Plaintiff's objections seeking information from prison officials about the status of his November 5th and November 13th grievances both post-date the November 24, 2014 signature date on Plaintiff's complaint. (See doc. no. 1, p. 6.) In any event, even if prison officials had not timely addressed Plaintiff's grievances, his objections do not contest that he failed to appeal to the Central Office, as is

permitted when an original grievance is rejected or the time for receiving a response has expired without the offender receiving a response. See SOP IIB05-0001 §§ VI(E)(3)-(4).

Accordingly, the Court **OVERRULES** Plaintiff's objections and **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion. As the Court is dismissing this case based on failure to exhaust administrative remedies, the motion to amend to add two Defendants to this case that were previously dismissed by order of United State District Judge C. Ashley Royal is **DENIED AS MOOT**. (Doc. no. 10.) Therefore, the Court **DISMISSES** Plaintiff's complaint without prejudice for failure to exhaust administrative remedies and **CLOSES** this civil action.

SO ORDERED this 9th day of January, 2015, at Augusta, Georgia.


UNITED STATES DISTRICT JUDGE